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Peter Arthur Tobler

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HUSCH BLACKWELL SANDERS LLP
720 OLIVE STREET
SUITE 2400
ST. LOUIS, MO 63101

EXAMINER

WEST, JEFFREY R

ART UNIT

PAPER NUMBER

2857

NOTIFICATION DATE

DELIVERY MODE

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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

pto-sl@huschblackwell.com

Office Action Summary	Application No. 10/708,146	Applicant(s) TOBLER ET AL.	
	Examiner Jeffrey R. West	Art Unit 2857	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,7,8,10,12,19-25,31-33,35,37,41-43 and 47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,7,8,10,12,19-25,31-33,35,37,41-43 and 47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 January 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 20, 2009, has been entered.

Claim Objections

3. Claims 1, 33, 35, 37, 41-43, and 47 are objected to because of the following informalities:

In claim 1, line 2, to avoid confusion, "system comprising where the facility is operating to produce a product:" should be ---system, where the facility is operating to produce a product, the method comprising:---.

In claim 1, lines 7-8, to avoid problems of antecedent basis, "a possible product" should be ---a product---.

In claim 33, line 2, to avoid confusion, "system comprising where the facility is operating to produce a product:" should be ---system, where the facility is operating to produce a product, the method comprising:---.

In claim 35, line 1, to conform with independent claim 33, "The computer system for monitoring" should be ---The method for monitoring---.

In claim 37, line 1, to conform with independent claim 33, "The computer system for monitoring" should be ---The method for monitoring---.

In claim 41, line 1, to conform with independent claim 33, "The computer system for monitoring" should be ---The method for monitoring---.

In claim 42, line 1, to conform with independent claim 33, "The computer system for monitoring" should be ---The method for monitoring---.

In claim 43, line 1, to conform with independent claim 33, "The computer system for monitoring" should be ---The method for monitoring---.

In claim 47, line 1, to conform with independent claim 33, "The computer system for monitoring" should be ---The method for monitoring---.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 7, 8, 10, 12, 19-25, 31, and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is considered to be vague and indefinite because lines 18-19 recite, "displaying the correlating data on a workstation communicable with the computer system". Claim 1, however, does not define any data as "correlating data". Claim 1 does present "at least partially correlating the inputted product quality control measurement data regarding a product defect to the information relating to the at least one part defect and the information relating to the at least one field, where said at least partially correlating assists in locating a part defect causing said product defect", however, it is unclear to one having ordinary skill in the art whether "the inputted product quality control measurement data", "the information relating to the at least one part defect", "the information relating to the at least one field", or some other quantity is considered to be "the correlating data".

Claims 7, 8, 10, 12, 19-25, 31, and 32 are rejected under 35 U.S.C. 112, second paragraph, because they incorporate the lack of clarity present in parent claim 1.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

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obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 7, 8, 10, 12, 19-25, 32, 33, 35, 37, 41-43, and 47, as may best be understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over in view of U.S. Patent Application Publication No. 2003/0146834 to Stevens et al. in view of U.S. Patent No. 6,691,064 to Vroman.

With respect to claim 1, Stevens discloses a method for monitoring facility data utilizing a computer system (0070, lines 1-14 and 0078, lines 1-11) comprising where the facility is operating to produce a product (0003, lines 1-4): automatically inputting product quality control measurement data regarding a product defect from a plurality of measurement devices (0070, lines 1-14, 0090, lines 1-4 and 0097, lines 1-10), and at least partially correlating the inputted product quality control measurement data regarding a possible product defect to information relating to at least one part defect (0095, lines 1-16), where said at least partially correlating assists in locating a part defect causing said product defect (0095, lines 1-16); wherein inputting product quality control measurement data includes inputting measurement data related to items selected from the group consisting of bone types, zero tolerance items, reprocessed zero tolerance items, salvaged zero tolerance items, fecal contamination locations, sanitation standard operating procedures (SSOP) ratings and work-in- progress temperatures (i.e. work-in-

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progress temperatures) (0095, lines 1-16 and 0097, lines 1-10); and displaying the correlating data on a workstation communicable with the computer system (0015, lines 1-17, 0036, lines 1-8, 0079, lines 1-4, and 0060, lines 1-6).

As noted above, the invention of Stevens teaches many of the features of the claimed invention and while the invention of Stevens does teach determining an alarm condition pertaining to at least one part defect and, in response, determining an appropriate corrective action to manually or automatically correct the at least one part defect (Stevens; 0095, lines 1-16) and while one having ordinary skill in the art would clearly recognize that in order to determine such an appropriate corrective action for at least one part defect, information relating to the at least one part defect must first be input into the system, Stevens is not explicit in such a teaching.

Vroman teaches a method and system for identifying repeatedly malfunctioning equipment (column 1, lines 13-21) comprising means for presenting to a user an appropriate corrective action to correct a part defect (column 13, lines 16-32) by first obtaining and generating repair determination information by inputting information relating to at least one part defect from at least one input device into a computer system (column 5, lines 48-52, column 6, lines 4-19, column 7, lines 51-57, and column 8, lines 15-27) and inputting information relating to at least one field from the at least one input device into the computer system (column 8, lines 35-41 and Figures 11-12), wherein the information relating to the at least one part includes at least one part type and at least one specific part (column 5, lines 48-52, column 6, lines 4-19, column 7, lines 51-57, and column 8, lines 15-27) and the information

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relating to the at least one field includes at least one field type and at least one specific field (column 8, lines 35-41 and Figures 11-12).

It would have been obvious to one having ordinary skill in the art to modify the invention of Stevens to explicitly indicate that information relating to the at least one part defect is input into the system, as taught by Vroman, because one having ordinary skill in the art would recognize that in order for the system of Stevens to determine an alarm condition pertaining to at least one part defect and, in response, determining an appropriate corrective action to manually or automatically correct the at least one part defect, such information must first be input into the system and further, Vroman suggests that by creating prior repair actions the combination would have improved the system of Stevens by providing a user with quick, efficient, accurate, and thorough correction procedures for correcting the defect of Stevens (column 5, lines 48-52 and column 6, lines 9-19).

As noted above, the combination of Stevens and Vroman teaches the claimed invention as above, and further, with respect to claim 7, Stevens discloses wherein the inputting the product quality control measurement data from a plurality of measurement devices includes inputting at least one type of unit of measurement (0044, lines 1-14, 0095, lines 1-16 and 0097, lines 1-10).

As noted above, the combination of Stevens and Vroman teaches the claimed invention as above, and further, with respect to claim 8, Stevens discloses wherein the at least one type of unit of measurement is selected from the group consisting of

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weight, count, temperature, percentage, string data, date, time, proportion, measurement, speed, pressure and length of time (i.e. temperature) (0044, lines 1-14, 0095, lines 1-16 and 0097, lines 1-10).

As noted above, the combination of Stevens and Vroman teaches the claimed invention as above, and further, with respect to claim 10, Stevens discloses wherein the inputting the product quality control measurement data from a plurality of measurement devices includes inputting at least one type of test (0038, lines 1-3, 0074, lines 5-7, 0078, lines 1-11, and 0095, lines 1-16).

As noted above, the combination of Stevens and Vroman teaches the claimed invention as above, and further, with respect to claim 12, Stevens discloses wherein the at least one type of test is selected from the group consisting of a temperature of a product at a particular point in processing, inspection for fecal contamination, weight of the product, percentage of trisodium phosphate solution, verification of critical limits, pre-shipment verification of product quality, thermometer calibration with comparison against NST certified standard weight and visual inspections regarding sanitation (i.e. a temperature of a product at a particular point in processing) (0038, lines 1-3, 0074, lines 5-7, 0078, lines 1-11, and 0095, lines 1-16).

As noted above, the combination of Stevens and Vroman teaches the claimed invention as above, and further, with respect to claim 19, Stevens discloses further comprising evaluating the inputted product quality control measurement data from a plurality of measurement devices with the computer system in accordance with at least one predetermined test (0038, lines 1-3, 0074, lines 5-7, 0078, lines 1-11, and

0095, lines 1-16) and providing a notification when the at least one predetermined test fails (0043, lines 6-15, 0078, lines 1-11, and 0095, lines 1-16).

As noted above, the combination of Stevens and Vroman teaches the claimed invention as above, and further, with respect to claim 20, Stevens discloses further comprising evaluating the inputted product quality control measurement data from a plurality of measurement devices with the computer system in accordance with at least one predetermined test (0038, lines 1-3, 0074, lines 5-7, 0078, lines 1-11, and 0095, lines 1-16) and providing an assignable cause when the at least one predetermined test fails (0043, lines 6-15, 0078, lines 1-11, and 0095, lines 1-16).

As noted above, the combination of Stevens and Vroman teaches the claimed invention as above, and further, with respect to claim 21, Stevens discloses further comprising evaluating the inputted product quality control measurement data from a plurality of measurement devices with the computer system in accordance with at least one predetermined test (0038, lines 1-3, 0074, lines 5-7, 0078, lines 1-11, and 0095, lines 1-16) and providing a recommended remedial action when the at least one predetermined test fails (0043, lines 6-15, 0078, lines 1-11, and 0095, lines 1-16).

As noted above, the combination of Stevens and Vroman teaches the claimed invention as above, and further, with respect to claim 22, Stevens discloses wherein the at least one predetermined test includes aspects selected from the group consisting of at least one predetermined target, a selection of a predetermined number of decimals from a predetermined target, an indication of whether there is

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zero tolerance regarding the predetermined target, a selection of an upper alert limit for the predetermined target, a selection of a lower alert limit for the predetermined target, a selection of an upper alarm limit for the predetermined target, a selection of a lower alarm limit for the predetermined target, a selection of an upper guard limit for the predetermined target, a selection of a lower guard limit for the predetermined target, a selectable maximum percentage of an upper limit, a selectable value for a maximum upper limit, an input for an alarm string, a corrective action procedure for the at least one predetermined test, an activation date for the at least one predetermined test, an activation time for the at least one predetermined test, a deactivation date for the at least one predetermined test and a deactivation time for the at least one predetermined test (i.e. selection of an upper/lower alert limit for the predetermined target) (0038, lines 1-3, 0074, lines 5-7, 0078, lines 1-11, and 0095, lines 1-16).

As noted above, the combination of Stevens and Vroman teaches the claimed invention as above, and further, with respect to claim 23, Stevens discloses further comprising generating reports with the computer system (0048, lines 1-9, 0061, lines 1-11, and 0078, line 1 to 0079, line 4).

As noted above, the combination of Stevens and Vroman teaches the claimed invention as above, and further, with respect to claim 24, Stevens discloses wherein the generating reports with the computer system includes reports selected from the group consisting of at least one calibration report, at least one alert report, at least one alarm report, at least one corrective action report, at least one data edit report,

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at least one data verification report, at least one hold tag report, at least one pre-shipment review report, at least one report log report, at least one root cause report and at least one workstation schedule report (i.e. at least one alarm report) (0048, lines 1-9, 0061, lines 1-11, and 0078, line 1 to 0079, line 4).

As noted above, the combination of Stevens and Vroman teaches the claimed invention as above, and further, with respect to claim 25, Stevens discloses further providing an electronic signature from at least one user for reports (i.e. user password for secure report) selected from the group of reports consisting of at least one alarm report, at least one data edit report, at least one data verification report, and at least one pre-shipment review report (i.e. at least one alarm report) (0048, lines 1-9, 0061, lines 1-11, and 0078, line 1 to 0079, line 4).

As noted above, the combination of Stevens and Vroman teaches the claimed invention as above, and further, with respect to claim 32, Stevens discloses wherein selective aspects of the computer system can be selectively blocked from view for a user depending on a predetermined security role determined for that user (i.e. selectively block user access on a need to know basis) (0048, lines 1-9, 0061, lines 1-11, 0063, lines 1-18, and 0078, line 1 to 0079, line 4).

With respect to claim 33, Stevens discloses a method for monitoring facility data utilizing a computer system (0070, lines 1-14 and 0078, lines 1-11) comprising where the facility is operating to produce a product (0003, lines 1-4): automatically inputting product quality control measurement data regarding a product defect from

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a plurality of measurement devices (0070, lines 1-14, 0090, lines 1-4 and 0097, lines 1-10); wherein inputting product quality control measurement data includes inputting measurement data related to items selected from the group consisting of bone types, zero tolerance items, reprocessed zero tolerance items, salvaged zero tolerance items, fecal contamination locations, sanitation standard operating procedures (SSOP) ratings and work-in-progress temperatures (i.e. work-in-progress temperatures) (0095, lines 1-16 and 0097, lines 1-10); viewing the product quality control measurement data utilizing at least one workstation (0015, lines 1-17, 0036, lines 1-8, 0079, lines 1-4, and 0060, lines 1-6); evaluating inputted product quality control measurement data regarding a possible product defect from a plurality of measurement devices with the computer system in accordance with at least one predetermined test (0038, lines 1-3, 0074, lines 5-7, 0078, lines 1-11, and 0095, lines 1-16) and providing a notification when the at least one predetermined test fails (0043, lines 6-15, 0078, lines 1-11, and 0095, lines 1-16); and at least partially correlating the inputted product quality control measurement data regarding said product defect to information relating to at least one part defect (0095, lines 1-16), where said at least partially correlating assists in locating a possible part defect causing said product defect (0095, lines 1-16).

As noted above, the invention of Stevens teaches many of the features of the claimed invention and while the invention of Stevens does teach determining an alarm condition pertaining to at least one part defect and, in response, determining an appropriate corrective action to manually or automatically correct the at least one

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part defect (Stevens; 0095, lines 1-16) and while one having ordinary skill in the art would clearly recognize that in order to determine such an appropriate corrective action for at least one part defect, information relating to the at least one part defect must first be input into the system, Stevens is not explicit in such a teaching.

Vroman teaches a method and system for identifying repeatedly malfunctioning equipment (column 1, lines 13-21) comprising means for presenting to a user an appropriate corrective action to correct a part defect (column 13, lines 16-32) by first obtaining and generating repair determination information by inputting information relating to at least one part defect from at least one input device into a computer system (column 5, lines 48-52, column 6, lines 4-19, column 7, lines 51-57, and column 8, lines 15-27) and inputting information relating to at least one field from the at least one input device into the computer system (column 8, lines 35-41 and Figures 11-12), wherein the information relating to the at least one part includes at least one part type and at least one specific part (column 5, lines 48-52, column 6, lines 4-19, column 7, lines 51-57, and column 8, lines 15-27) and the information relating to the at least one field includes at least one field type and at least one specific field (column 8, lines 35-41 and Figures 11-12).

It would have been obvious to one having ordinary skill in the art to modify the invention of Stevens to explicitly indicate that information relating to the at least one part defect is input into the system, as taught by Vroman, because one having ordinary skill in the art would recognize that in order for the system of Stevens to determine an alarm condition pertaining to at least one part defect and, in response,

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determining an appropriate corrective action to manually or automatically correct the at least one part defect, such information must first be input into the system and further, Vroman suggests that by creating prior repair actions the combination would have improved the system of Stevens by providing a user with quick, efficient, accurate, and thorough correction procedures for correcting the defect of Stevens (column 5, lines 48-52 and column 6, lines 9-19).

As noted above, the combination of Stevens and Vroman teaches the claimed invention as above, and further, with respect to claim 35, Stevens discloses wherein the product quality control measurement data regarding a possible product defect includes a specific product type (0044, lines 1-14, 0095, lines 1-16 and 0097, lines 1-10).

As noted above, the invention of Stevens teaches many of the features of the claimed invention and while the invention of Stevens does teach determining an alarm condition pertaining to at least one part defect and, in response, determining an appropriate corrective action to manually or automatically correct the at least one part defect (Stevens; 0095, lines 1-16) and while one having ordinary skill in the art would clearly recognize that in order to determine such an appropriate corrective action for at least one part defect, information relating to the at least one part defect must first be input into the system, Stevens is not explicit in such a teaching.

Vroman teaches a method and system for identifying repeatedly malfunctioning equipment (column 1, lines 13-21) comprising means for presenting to a user an

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appropriate corrective action to correct a part defect (column 13, lines 16-32) by first obtaining and generating repair determination information by inputting information relating to at least one part defect from at least one input device into a computer system (column 5, lines 48-52, column 6, lines 4-19, column 7, lines 51-57, and column 8, lines 15-27) and inputting information relating to at least one field from the at least one input device into the computer system (column 8, lines 35-41 and Figures 11-12), wherein the information relating to the at least one part includes at least one part type and at least one specific part (column 5, lines 48-52, column 6, lines 4-19, column 7, lines 51-57, and column 8, lines 15-27) and the information relating to the at least one field includes at least one field type and at least one specific field (column 8, lines 35-41 and Figures 11-12).

It would have been obvious to one having ordinary skill in the art to modify the invention of Stevens to explicitly indicate that information relating to the at least one part defect is input into the system, as taught by Vroman, because one having ordinary skill in the art would recognize that in order for the system of Stevens to determine an alarm condition pertaining to at least one part defect and, in response, determining an appropriate corrective action to manually or automatically correct the at least one part defect, such information must first be input into the system and further, Vroman suggests that by creating prior repair actions the combination would have improved the system of Stevens by providing a user with quick, efficient, accurate, and thorough correction procedures for correcting the defect of Stevens (column 5, lines 48-52 and column 6, lines 9-19).

As noted above, the combination of Stevens and Vroman teaches the claimed invention as above, and further, with respect to claim 37, Stevens discloses wherein the inputted product quality control measurement data regarding a possible product defect that is at least partially correlated to the information relating to the at least one part includes information selected from the group consisting of at least one type of unit of measurement, at least one specific unit of measurement, at least one type of test, at least one specific test, at least one type of measurement device, at least one manufacturer of a measurement device, at least one model of measurement device and at least one specific measurement device (i.e. at least one type of unit of measurement - 0044, lines 1-14, 0095, lines 1-16 and 0097, lines 1-10; at least one type of test - 0038, lines 1-3, 0074, lines 5-7, 0078, lines 1-11, and 0095, lines 1-16).

As noted above, the combination of Stevens and Vroman teaches the claimed invention as above, and further, with respect to claim 41, Stevens discloses wherein the inputted product quality control measurement data regarding a possible product defect is evaluated with the computer system with at least one predetermined test (0038, lines 1-3, 0074, lines 5-7, 0078, lines 1-11, and 0095, lines 1-16) and a notification is provided if the at least one predetermined test fails (0043, lines 6-15, 0078, lines 1-11, and 0095, lines 1-16).

As noted above, the combination of Stevens and Vroman teaches the claimed invention as above, and further, with respect to claim 42, Stevens discloses wherein

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the computer system generates at least one report (0048, lines 1-9, 0061, lines 1-11, and 0078, line 1 to 0079, line 4).

As noted above, the combination of Stevens and Vroman teaches the claimed invention as above, and further, with respect to claim 43, Stevens discloses wherein the at least one report is selected from the group consisting of at least one calibration report, at least one alert report, at least one alarm report, at least one corrective action report, at least one data edit report, at least one data verification report, at least one hold tag report, at least one pre-shipment review report, at least one report log report, at least one root cause report and at least one workstation schedule report (i.e. at least one alarm report) (0048, lines 1-9, 0061, lines 1-11, and 0078, line 1 to 0079, line 4).

As noted above, the combination of Stevens and Vroman teaches the claimed invention as above, and further, with respect to claim 47, Stevens discloses wherein the computer system generates a response from the group consisting of a recommended remedial action and an assignable cause (0043, lines 6-15, 0078, lines 1-11, and 0095, lines 1-16).

8. Claim 31, as may best be understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens et al. in view of Vroman and further in view of U.S. Patent Application Publication No. 2003/0120446 to Xie et al.

As noted above, the invention of Stevens and Vroman teaches many of the features of the claimed invention and while the invention of Stevens and Vroman

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does teach monitoring the operations of a facility utilizing inputted product quality control measurement data, the combination does not specify generating a statistical process control chart.

Xie teaches a net system and method for quality control comprising means for measuring data and generating measurement information and a management module for performing statistical chart analysis to generate a plurality of reports (0007, lines 1-25), wherein the statistic charts include a statistical process control chart (0028, lines 1-5).

It would have been obvious to one having ordinary skill in the art to modify the invention of Stevens and Vroman to specify generating a statistical process control chart, as taught by Xie, because, as suggested by Xie, the combination would have reduced the possibility of human error and improved the efficiency of quality control by providing automatic and detailed quality information in the common form of statistical process control analysis charts (0002, lines 3-7, 0005, lines 1-6 and 0007, lines 22-25).

Response to Arguments

9. Applicant's arguments with respect to claims 1, 7, 8, 10, 12, 19-25, 31-33, 35, 37, 41-43, and 47 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

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10. The prior art made of record and not relied upon is considered pertinent to

Applicant's disclosure:

U.S. Patent Application Publication No. 2003/0177048 to Jacobson teaches a monitoring system and process for the food service industry.

U.S. Patent Application Publication No. 2002/0035439 to Takeda et al. discloses a food safety administration system.

U.S. Patent No. 7,026,929 to Wallace teaches a food information monitoring system.

U.S. Patent No. 6,294,765 to Brenn teaches a zero defect management system for restaurant equipment and environment equipment.

U.S. Patent No. 5,939,974 to Heagle et al. teaches a system for monitoring food service requirements for compliance at a food service establishment.

U.S. Patent No. 6,044,154 to Kelly teaches a remote generated device identifier key for use with a dual-key reflexive encryption security system comprising a security system for generating access to a host computer in response to a demand from a remote workstation (column 3, lines 45-47) wherein the remote workstation includes at least one serial number for a specific workstation (column 6, lines 35-38) and the user is identified by inputting a user id and personal identification number to create an electronic signature (column 6, lines 56-67) wherein selective aspects of the computer system can be selectively blocked from view for a user depending on a predetermined security role determined for that user (column 8, lines 26-46).

U.S. Patent No. 5,473,950 to Peterson teaches a process plant sample collection method including a means for sampling a product being processed to enable testing for pre-shipment verification of product quality (column 1, lines 39-54).

U.S. Patent Application Publication No. 2003/0236979 to Himmel et al. teaches group security objects and concurrent multi-user security objection comprising a client remotely connected over a network (0046, lines 1-7) for receiving a first user id and password (0049, lines 1-12 and 0053) and further identifying the identity of the at least one second user by inputting a user id and password (0108, lines 1-19) to verify that the first user has proper authorization for access to the protected data (0009, lines 1-15 and 0109, lines 1-11).

U.S. Patent Application Publication No. 2003/0004656 to Bjornson discloses a method for monitoring facility data (abstract) utilizing a computer system (0054, lines 1-2) comprising inputting information relating to at least one part from at least one input device into the computer system (0095, lines 1-5 and Figure 11A-F), inputting information relating to at least one field from the at least one input device into the computer system (0070, lines 1-5 and Figure 4B), and automatically (0100, lines 16-18, 0101, lines 1-12 and 0116, lines 33-37) inputting product quality control measurement data regarding a possible product defect from a plurality of measurement devices (0100, lines 9-18 and 0116, lines 10-14), and at least partially correlating the inputted product quality control measurement data regarding a possible product defect to the information relating to the at least one part and the information related to the at least one field (0095, lines 1-5, 0100, line 1 to 0101, line

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8, and Figures 11A-F, 12A-J, 13C, and 13G) wherein said at least partially correlating assists in locating a possible (i.e. most likely) part defect (0077, lines 1-12, 0080, lines 1-17, and 0101, lines 1-12) and displaying the correlating data on a workstation communicable with the computer system (0100, lines 1-17, 0111, lines 1-16, and Figures 12A-J, 13C, and 13G).

U.S. Patent No. 6,061,640 to Tanaka et al. teaches a method of and apparatus for extracting abnormal factors in a processing operation including means for receiving product quality control measurement data regarding a possible defect of a product being produced by the process (column 1, lines 46-52, column 2, line 65 to column 3, line 5 and column 3, lines 24-29), including a specific product type (column 3, lines 30-35), and correlating the product quality control measurement data with information relating to at least one part in order to determine the part causing the possible product defect (column 3, lines 19-24 and 30-35).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY R. WEST whose telephone number is (571)272-2226. The examiner can normally be reached on Monday through Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eliseo Ramos-Feliciano can be reached on (571)272-7925. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Jeffrey R. West/
Primary Examiner, Art Unit 2857

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